

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:)	Mail Stop Appeal Brief - Patents
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Craig L. REDING et al.)	Group Art Unit: 2617
)	
Application No.: 10/720,825)	Examiner: H. Phan
)	
Filed: November 24, 2003)	
)	
For: METHODS AND SYSTEMS FOR)	
SINGLE NUMBER TEXT)	
MESSAGING)	

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REPLY BRIEF

This Reply Brief is submitted in response to the Examiner's Answer, dated July 9, 2008.

I. STATUS OF CLAIMS

Claims 1-7, 9, 10, 12, 13, 16, and 17 are pending in this application. Claims 8, 11, 14, and 15 have been canceled without prejudice or disclaimer.

Claims 1-7, 9, 10, 12, 13, 16, and 17 were rejected in the final Office Action, dated August 14, 2007, and are the subject of the present appeal. These claims are reproduced in the Claim Appendix of the Appeal Brief, filed May 12, 2008.

II. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1, 2, 6, 9, 10, 12, 13, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over KARVE (U.S. Patent Application Publication No. 2002/0137530) in view of PACKHAM et al. (U.S. Patent Application Publication No. 2003/0055906).

B. Claim 3 stands rejected under 35 U.S.C. § 103(a) as unpatentable over KARVE in view of PACKHAM et al., and further in view of GOPINATH et al. (U.S. Patent Application Publication No. 2004/0002350).

C. Claim 4 stands rejected under 35 U.S.C. § 103(a) as unpatentable over KARVE in view of PACKHAM et al., and further in view of DEHLIN (U.S. Patent Application Publication No. 2004/0203942).

D. Claim 5 stands rejected under 35 U.S.C. § 103(a) as unpatentable over KARVE in view of PACKHAM et al., and further in view of SABO et al. (U.S. Patent Application Publication No. 2003/0096626).

E. Claim 7 stands rejected under 35 U.S.C. § 103(a) as unpatentable over KARVE in view of PACKHAM et al., and further in view of FOSTICK et al. (U.S. Patent Application

Publication No. 2002/0187794).

III. ARGUMENTS

In the "Response to Argument" section of the Examiner's Answer (pp. 13-23), the Examiner merely reiterates many of the allegations that have been previously presented in the "Grounds of Rejection" section of the Examiner's Answer and the final Office Action, dated August 14, 2007. Thus, Appellant's arguments presented in the Appeal Brief, filed May 12, 2008, are applicable to those allegations. Appellants submit the following additional remarks.

1. Claims 1, 2, and 6.

On pages 15 and 16 of the Examiner's Answer, the Examiner alleges:

The only difference is that Karve does not particularly describe the second device is able to receive the forwarding message instead of the first device, while Packham particularly discloses that the second device is able to receive the forwarding message instead of the first device for such a case that the second device can receive the SMS message for both devices [0021] or in another case the first device is turned off [0022] after the preferred device is selected [0020].

Appellants disagree with the Examiner's interpretation of PACKHAM et al.

PACKHAM et al. is directed to a system where forwarding information is stored in a home location register (HLR) so that text messages received by a Short Message Service Gateway Mobile Switching Center (SMS/GMSC) for one device can be forwarded to a second device (see paragraphs 0019-0022). Thus, in PACKHAM et al., the SMS/GMSC performs the forwarding of text messages.

In stark contrast, KARVE is directed to a cellular telephone that receives an SMS message and forwards the SMS message to another number or device (see, for example,

Abstract). Thus, in KARVE, the cellular telephone performs the forwarding of received SMS messages. Therefore, all SMS messages in KARVE that are for the cellular telephone (which the Examiner specifically indicates corresponds to the first device in claim 1) must be received by the cellular telephone in order for the forwarding to take place.

Accordingly, if, as the Examiner alleges, the system of KARVE were modified to incorporate the teachings of PACKHAM et al., such a combination would result in a system that forwards text messages away from KARVE's cellular telephone (which the Examiner alleges corresponds to the first device) before ever reaching KARVE's cellular telephone, which would render KARVE's system (which is directed to a cellular telephone that receives an SMS message and forwards the SMS message to another number or device) inoperable since text messages would be effectively diverted away from KARVE's cellular telephone. In any case, the combination would not result in the method recited by claim 1.

Based on the Examiner's allegation above, the Examiner, on page 16 of the Examiner's Answer, concludes:

The ordinary skilled artisan would see that it is not necessary for the first device of Packham must turn off in order for the second device to receive the forwarding SMS message; or even the case the first device is turn off, the user already selected the second device which is preferred device for receiving the forwarding SMS message. Therefore, one of ordinary skill would have readily recognized that by incorporating the teaching of Packham into Karve mobile telecommunication system, users of that system who "have two phones to receive all their text messages on one, which saves people with two handsets needing to carry them both about" (see Packham [0021]) or "the user would be able to turn their mobile phone(s) off in areas where that is necessary (such as in testing environments or hospitals) and still be able to have access to their messages" (see Packham [0022]). Thus, the system of KARVE were modified to incorporate the teachings of PACKHAM, which would render KARVE's system operable.

Appellants disagree with the Examiner's conclusions.

Appellants submit that one skilled in the art would not reasonably look to incorporate PACKHAM et al.'s alleged disclosure of an HLR that stores forwarding information and an SMS/GMSC that forwards text messages intended for a first device to a second device into the KARVE system since the KARVE system is directed to actions performed by a cellular device (the first device). The Examiner's attempt at incorporating PACKHAM et al.'s HLR and SMS/GMSC into the KARVE system would clearly obviate the need for the KARVE system since the forwarded destination of the text message is identified prior to reaching the first device (KARVE's cellular telephone). Thus, KARVE's system would be rendered altogether meaningless.

For at least the foregoing reasons and for those reasons set forth in the Appeal Brief, Appellants submit that the rejection of claim 1 under 35 U.S.C. § 103(a) based on KARVE and PACKHAM et al. is improper. Accordingly, Appellants request that the rejection be reversed.

Claims 2 and 6 depend from claim 1. Therefore, Appellants respectfully request that the rejection of claims 2 and 6 under 35 U.S.C. § 103(a) based on KARVE and PACKHAM et al. be reversed for at least the reasons given above with respect to claim 1.

2. Claim 9.

On page 17 of the Examiner's Answer, the Examiner alleges:

Since, Karve discloses that "short messages are not sent directly from sender to recipient, but always via an SMS Center" and a predefined number (reading on claimed "a first device") is selected by the user from a plurality of numbers (fig. 3 and [0035]) as a preferred device in order for the SMS center to forward the message; one of ordinary skill in the art could see that the SMS center must identify the first device before the message is forwarded to the first device. Thus, Karve discloses the claimed limitation "a database for storing information identifying each device of the plurality of devices and identifying a first device of the plurality of devices as a preferred device".

Appellants disagree with the Examiner's interpretation of KARVE.

Fig. 3 of KARVE depicts a process that is performed by KARVE's cellular telephone and involves receiving a message (30), displaying the message (32), and presenting a number of options to the user, including saving the message (36), deleting the message (38), going to a message editor (40, and displaying a list of forwarding destinations (42). Neither Fig. 3 of KARVE nor the description thereof discloses or suggests a database for storing information identifying each device of the plurality of devices and identifying a first device of the plurality of devices as a preferred device. KARVE does not disclose or suggest that the list of forwarding destinations stores information identifying each device of a plurality of devices associated with a user and identifying a first device of the plurality of devices associated with the user as a preferred device, as would be required of KARVE based on the Examiner's interpretation of claim 9.

At paragraph 0035, KARVE discloses:

A first option, step 52, is to automatically forward all messages to a predefined number or numbers. In step 52, the user defines the number or numbers to which all received short messages are to be forwarded. A second option, step 54, is to forward all messages received from one or more predetermined senders, as defined on a list, to one or more predefined numbers. At step 54, the user is prompted to enter the predetermined sender addresses (phone numbers) and subsequently, to enter the forwarding number(s). As an alternative to step 54, at step 56, the user can select to forward all messages except for those messages received from one or more predetermined senders, as defined on a list, to one or more predefined numbers. The option at step 56 thus allows the user to receive important messages and forward messages from senders not deemed to be as important or urgent. Similar to step 54, at step 56, the user is prompted to enter the predetermined sender addresses (phone numbers) and subsequently, to enter the forwarding number(s).

This section of KARVE discloses that a user may define forwarding address lists by entering

predetermined sender addresses (phone numbers) and forwarding number(s). This section of KARVE does not disclose or suggest a database for storing information identifying each device of the plurality of devices associated with a user and identifying a first device of the plurality of devices associated with the user as a preferred device, as recited in claim 9. KARVE does not disclose or suggest that the forwarding address lists store information identifying each device of a plurality of devices associated with a user and identifying a first device of the plurality of devices associated with the user as a preferred device, as would be required of KARVE based on the Examiner's interpretation of claim 9.

For at least the foregoing reasons and for those reasons set forth in the Appeal Brief, Appellants submit that the rejection of claim 9 under 35 U.S.C. § 103(a) based on KARVE and PACKHAM et al. is improper. Accordingly, Appellants request that the rejection be reversed.

3. Claim 4.

On page 21 of the Examiner's Answer, the Examiner newly relies on paragraph 0026 of DEHLIN for allegedly disclosing that sending the formatted message comprises sending the formatted message to an instant messenger client, as recited in claim 4. Appellants disagree with the Examiner's interpretation of DEHLIN.

At paragraph 0026, DEHLIN discloses:

In addition, the instant messaging system 300 includes an instant message (IM) server 350 and an IM/SMS server 360. The IM server 350 and the IM/SMS server 360 are both computing devices such as the one described above in conjunction with FIG. 1. IM server 350 is configured to perform instant messaging services between two or more personal computers 310-312. In one embodiment, IM server 350 is configured as a server, running Microsoft WINDOWS 2000 operating system, and running an IM server application 352. The IM server application 352 is configured to maintain a database of user aliases and a state for each of the user aliases. Briefly, the instant messaging service enables two or more personal

computers 310-312 to create a private chat room and exchange private messages in real-time. There are several instant messaging services currently available, such as the MSN MESSENGER instant messaging service from Microsoft Corporation. These messaging services are known to those skilled in the art and will be described only to the extent necessary for understanding of the present invention.

This section of DEHLIN discloses an instant message (IM) server 350 and an IM/SMS server 360. This section of DEHLIN also discloses that the instant messaging service enables two or more personal computers 310-312 to create a private chat room and exchange private messages in real time. DEHLIN further discloses that IM/SMS server 360 includes an IM/SMS translator application 362 that alerts a mobile device of an instant message and supports the exchange of instant messages with the mobile device (see paragraph 0027). DEHLIN does not disclose or suggest that sending the formatted message to a preferred device (which is identified, instead of a first device, for receiving the SMS message) comprises sending the formatted message to an instant messenger client, as recited in claim 4.

For at least the foregoing reasons and for those reasons set forth in the Appeal Brief, Appellants submit that the rejection of claim 4 under 35 U.S.C. § 103(a) based on KARVE, PACKHAM et al., and DEHLIN is improper. Accordingly, Appellants request that the rejection be reversed.

IV. CONCLUSION

In view of the foregoing arguments and at least those arguments presented in the Appeal Brief, Appellants respectfully solicit the Honorable Board to reverse the Examiner's rejections of claims 1-7, 9, 10, 12, 13, 16, and 17 under 35 U.S.C. § 103.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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